

REMARKS

Claims 1-6 and 8-15 remain pending in the application.

Claims 1, 3-6 and 8-14 over Castro

In the Office Action, claims 1, 3-6 and 8-14 were rejected under 35 USC 102(b) as allegedly being anticipated by U.S. Pat. No. 4,387,272 to Castro et al. (“Castro”). The Applicants respectfully traverse the rejection.

Claims 1 and 3 recite a ring signal bypass module adapted to detect a presence of an analog non-ring signal initiated by a caller **without prompt**. Claims 4-6 and 8-11 recite receiving an analog non-ring signal initiated by a caller **without prompt** at an analog telephone line interface indicating a presence of an incoming call to the voice messaging system. Claims 12-14 recite activating an analog ring signal bypass module based on a request from a calling party **without prompt**.

Thus, a very important feature of claims 1, 3-6 and 8-14 is that the recited system and method are performed **without prompt**. By eliminating a prompt, a calling party can quickly and easily leave a message on a voice messaging system and eliminate an associated ring signal by, e.g., simply dialing a code when a telephone number is dialed.

Castro relies on a system and method wherein a calling party dials a phone number of a subscriber he wants to call, in response to which the calling party receives a ring-back signal (See Abstract). If the calling party does not attend the call or after a predetermined period of time, an automatic telephone answering machine will be connected to a telephone line (See Castro, Abstract).

Castro discloses in response to a calling party dialing a phone number of a subscriber **the calling party receives a ring-back signal**. Thus, Castro discloses the calling party is **prompted** to enter a code in response to a **ring-back signal**. A **ring-back signal** that prompts a calling party to enter a code is **NOT** a system and method that are performed **without prompt**, as recited by claims 1, 3-6 and 8-14.

Moreover, claims 1 and 3 recite a ring signal bypass module to cause a voice messaging system to direct an incoming call to a voice

recorder/playback module without an audible ring signal to announce the incoming call by the voice messaging system. Claims 4-6 and 8-11 recite answering an incoming call by a voice messaging system without an audible ring signal to announce the incoming call by the voice messaging system. Claims 12-14 recite bypassing an audible ring signal by a voice messaging system announcing an incoming call from a calling party to the voice messaging system.

Thus, a very important feature of the present invention is the ability of the CALLING party to be directed immediately to an answering machine to leave a message, WITHOUT disturbing the called party by producing an AUDIBLE RING SIGNAL to announce the incoming call.

The Examiner AGAIN cites Castro as allegedly disclosing a ring signal bypass module at column 8, lines 14-37. The Examiner interprets Castro as allegedly disclosing an “apparatus closed the direct loop and send a ring-back signal to the caller waiting for a particular code from the calling party to ring the called party otherwise the caller is connected to the answering machine without ringing the called party.” (See Advisory Office Action)

The most important portion of this passage quoted by the Examiner, “without ringing the called party”, is NOT FOUND within the passage cited by the Examiner. In fact, such teaching is NOWHERE within the Castro reference. There’s a reason for that---Castro clearly teaches the OPPOSITE of the present invention by teaching the use of an AUDIBLE RING SIGNAL to the called party.

For instance, within the passage on col. 8, lines 14-37 cited by the Examiner, Castro indicates a 5 second timer (line 18). This agrees with the earlier teaching at col. 7, line 23, of the use of “two trains of ringing signals.” Castro teaches a traditional answering machine function of answering after a given number of audible ring signals are produced, such as at col. 7, line 35, where the apparatus instructs the exchange to, after the two trains of ringing signals (e.g., 5 seconds), to then stop sending the ringing signal.

Even more clear in the teaching of Castro is the instruction that the apparatus can receive “one or more trains of ringing pulses” (col. 5 at lines 45-

46). The present invention relates to ZERO audible ring signals, not ONE OR MORE as taught by Castro.

Castro teaches, at col. 6, lines 14-23, that there are only TWO possibilities. The first is that the called party ANSWERS. Certainly, for the called party to answer, they must be provided with audible rings---completely contrary to the present invention which allows a calling party the ability to NOT speak with the called party, but instead go directly to their answering machine. The second possibility provided is that a time period is set, for example **30 SECONDS**, before the answering machine is activated. (emphasis added). In either possibility, it is clear that **Castro teaches that an audible ring is provided.**

Castro fails to disclose apparatus having the ability of allowing a CALLING party to be directed immediately to an answering machine to leave a message, WITHOUT disturbing the called party by producing an AUDIBLE RING SIGNAL to announce the incoming call, as variously claimed by claims 1, 3-6 and 8-14.

For at least all the above reasons, claims 1, 3-6 and 8-14 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 2 over Castro in view of Koyama

Claim 2 was rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Castro in view of U.S. Pat. No. 5,894,505 to Koyama ("Koyama"). The Applicants respectfully traverse the rejection.

Claim 2 is dependent from claim 1, and is patentable for all the reasons that claim 1 is patentable.

Claim 2 requires a ring signal bypass module adapted to detect a presence of an analog non-ring signal initiated by a caller **without prompt**, the ring signal bypass module to cause a voice messaging system to direct an incoming call to a voice recorder/playback module **without an audible ring signal to announce the incoming call by the voice messaging system.**

As explained above, Castro clearly teaches the use of a prompt, i.e., a ring-back signal, and an audible ring signal, (for as long as 30 seconds!)

Koyama is cited as allegedly teaching the detection of a line reversal on a telephone. (Office Action at 6). However, Koyama fails to cure the SIGNIFICANT and IMPORTANT feature of claim 2 that requires a non-ring signal initiated by a caller without prompt and an answering machine to direct an incoming call WITHOUT AN AUDIBLE RING. Rather, as explained above, Castro teaches the use of a PROMPT and AT LEAST ONE audible ring signal.

For these reasons, claim 2 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 15 Castro in view of Borland

Claim 15 was rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Castro in view of U.S. Pat. No. 6,128,382 to Borland et al. (“Borland”). The Applicants respectfully traverse the rejection.

Claim 15 is dependent from claim 12, and is patentable for all the reasons that claim 12 is patentable.

Claim 15 requires activating an analog ring signal bypass module based on a request from a calling party without prompt and bypassing an audible ring signal by a voice messaging system announcing an incoming call from a calling party to the voice messaging system.


As explained above, Castro clearly teaches the use of an audible ring signal, (for as long as 30 seconds!) Koyama is cited as allegedly teaching the detection of a line reversal on a telephone. (Office Action at 6). However, Koyama fails to cure the SIGNIFICANT and IMPORTANT feature of claim 15 that requires a non-ring signal initiated by a caller without prompt and an answering machine to direct an incoming call WITHOUT AN AUDIBLE RING. Rather, as explained above, Castro teaches the use of a PROMPT and AT LEAST ONE audible ring signal.

For these reasons, claim 15 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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